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Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Reg. Docket No. 737; Reg. SR-446]

PART 40—SCHEDULED INTERSTATE AIR CARRIER CERTIFICATION AND OPERATION RULES

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PART 45—COMMERCIAL OPERATOR CERTIFICATION AND OPERATION RULES

PART 46—SCHEDULED AIR CARRIER HELICOPTER CERTIFICATION AND OPERATION RULES

Special Civil Air Regulation; Use of Portable Frequency Modulation (FM) Type Radio Receivers on Aircraft During Flight

In the latter part of 1958, the former Civil Aeronautics Administration received reports that certain portable electronic devices operated by passengers aboard aircraft were causing interference to aircraft communications and navigational systems. The reports received were very limited in number and not conclusive enough to warrant regulatory action at that time. However, since these reports indicated that such interference was possible, the CAA published a notice to airmen (NOTAM) in the Airman's Guide warning airmen and operators of this possibility.

Since 1958, various agencies, both government and industry, have conducted studies of this problem. Recently, during tests conducted by the Federal Aviation Agency's Bureau of Research and Development, it was found that radio receivers having local oscillators operating within or near the VHF omnirange (VOR) frequency band (108 to 118 Mcs.) cause interference which adversely affects the operation of an aircraft's VOR navigational system. Various types of portable radio receivers (i.e.), radio receivers capable of being carried aboard an aircraft by a passenger) were used in these tests to determine which would produce interference to the VOR equipment. It was determined that the portable frequency modulation (FM) radio receiver is the only type radio receiver, which is commonly used by the general public, that would create this unwanted interference. Therefore, I find that immediate regulatory action is necessary in order to provide adequately for safety in air commerce.

The rule adopted herein will prohibit the operation of portable FM radio receivers during flight on all aircraft operated by an air carrier or commercial operator. It also prohibits the operation of portable FM radio receivers on all other VOR-equipped civil aircraft of the U.S. while such VOR equipment is being used for navigational purposes. The added restriction in the case of aircraft operated by an air carrier or commercial operator is necessary since most of these aircraft are equipped with VOR navigational equipment and it would be difficult, if not impossible, for a passenger to know when the pilot in command was depending upon this equipment for navigational purposes.

It is realized that not all portable FM radio receivers utilize a local oscillator which will create interference with the airborne VOR equipment. However, it would not be feasible to expect the general public, airline personnel, or air crewmembers to distinguish which portable FM radio receiver will cause this interference. Accordingly, the provisions of this rule will apply to all portable FM radio receivers.

Since this Special Civil Air Regulation is of an emergency nature, I find that compliance with the notice and public procedure provisions of the Administrative Procedure Act would be impractical, and that good cause exists for making this regulation effective on less than 30 days' notice.

In consideration of the foregoing, the following Special Civil Air Regulation is hereby adopted to become effective on May 25, 1961.

No person shall operate, nor shall any operator or pilot in command of an aircraft permit the operation of, a portable frequency modulation (FM) radio receiver on the following civil aircraft of the United States while such aircraft are engaged in flight in air commerce: (a) Aircraft operated by an air carrier or commercial operator; and (b) any other aircraft equipped with VHF omnirange (VOR) navigation equipment while such VOR equipment is being used for navigational purposes.

This Special Civil Air Regulation shall remain in effect for one year unless sooner superseded or rescinded by the Federal Aviation Agency.

(Secs. 313(a) and 601; 72 Stat. 752, 775; 49 U.S.C. 1354(a), 1421)

Issued in Washington, D.C., on May 4, 1961.

N. E. HALABY,
Administrator.

[F.R. Doc. 61-4294; Filed, May 9, 1961; 8:52 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 7994 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Graham Co., Inc.

Subpart—Discriminating in price under sec. 2, Clayton Act—price discrimination under 2(a): § 13.770 *Quantity rebates or discounts.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. Interprets or applies sec. 2, 49 Stat. 1527; 15 U.S.C. 13) [Cease and desist order, The Graham Company, Inc., New York, N.Y., Docket 7994, January 12, 1961]

Consent order requiring a New York City distributor of dried peas and beans and other products, mainly under the trade name of "Redbow", to cease discriminating in price in violation of section 2(a) of the Clayton Act, by such practices as use of a quantity discount schedule, the maximum discounts of which were based upon quantities so large as to make them unavailable to many of its wholesaler-purchasers.

The order to cease and desist is as follows:

It is ordered, That respondent The Graham Company, Inc., a corporation, and its officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the sale of dried peas, beans and other related products, in commerce, as "commerce" is defined in the Clayton Act, do forthwith cease and desist from:

1. Discriminating in the price of such products of like grade and quality by selling to any purchaser at prices higher than those charged any other purchasers where respondent, in the sale of such products, is in competition with any other seller;

2. Discriminating in the price of such products of like grade and quality by selling to any purchaser at prices higher than those charged any other purchaser who competes in the resale and distribution of such products with the purchaser paying the higher price.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondent The Graham Company, Inc., a corporation, shall within sixty (60) days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in

which it has complied with the order to cease and desist.

Issued: January 12, 1961.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F.R. Doc. 61-4264; Filed, May 9, 1961; 8:46 a.m.]

[Docket 7748 c.]

PART 13—PROHIBITED TRADE PRACTICES

Murray Hill House and Stanley Perkis

Subpart—Advertising falsely or misleadingly: § 13.20 *Comparative data or merits;* § 13.135 *Nature of product or service.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Stanley Perkis trading as Murray Hill House, Farmingdale, Long Island, N.Y., Docket 7748, January 12, 1961]

Order requiring a distributor of unwoven cotton and rayon fiber towels in Farmingdale, Long Island, N.Y., to cease representing falsely in newspapers, magazine and other advertising that such products had the appearance, thickness and texture of towels customarily used in the home.

The order to cease and desist, including compliance requirement, is as follows:

It is ordered, That the respondent, Stanley Perkis, trading as Murray Hill House or under any other name or names, and respondent's agents, representatives and employees, directly or through any corporate or other device in connection with the offering for sale, sale or distribution of unwoven cotton and rayon fiber products, or any other like merchandise, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from: Representing, directly or by implication, that such product has the appearance, thickness or texture of cloth towels or misrepresenting in any manner the appearance, thickness or texture of such product.

It is further ordered, That respondent, Stanley Perkis, shall, within sixty (60) days after service upon him of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which he has complied with the order to cease and desist.

Issued: January 12, 1961.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F.R. Doc. 61-4265; Filed, May 9, 1961; 8:47 a.m.]

[Docket 7707 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Perfect Equipment Corp.

Subpart—Discriminating in price under sec. 2, Clayton Act—price discrimination under 2(a): § 13.736 *Group buying organizations;* § 13.770 *Quantity rebates or discounts.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 2, 49 Stat. 1527; 15 U.S.C. 13) [Cease and desist order, Perfect Equipment Corp., Kokomo, Ind., Docket 7707, January 12, 1961]

Consent order requiring a manufacturer in Kokomo, Ind., selling automobile repair parts, supplies, and tools for replacement purposes, to cease discriminating in price in violation of section 2(a) of the Clayton Act by granting cumulative annual rebates based on volume of purchases to independent jobbers and group jobbers, as a result of which practice independent jobbers buying in lesser volume were charged higher and less favorable net prices than their competitors buying greater quantities.

The order to cease and desist is as follows:

It is ordered, That respondent Perfect Equipment Corp., a corporation, and its officers, representatives, agents and employees, directly or through any corporate or other device, in or in connection with the sale for replacement purposes of automobile repair parts, supplies and tools in commerce, as "commerce" is defined in the Clayton Act, do forthwith cease and desist from: Discriminating, directly or indirectly, in the price of such products of like grade and quality by selling to any one purchaser at net prices higher than the net prices charged to any other purchaser who, in fact, competes with the purchaser paying the higher price in the resale or distribution of respondent's products.

It is further ordered, That the term "purchaser" as used in this order shall include any purchaser buying directly or indirectly from respondent by means of group buying or any related device, but shall not be construed in this proceeding to include original equipment manufacturers purchasing automotive parts from respondent for replacement use or sale.

It is further ordered, That the allegation in the complaint that the effect of respondent's discriminations in price may be substantially to lessen, injure, destroy or prevent competition between respondent and competing sellers of similar automotive products, be dismissed.

By "Decision of the Commission," etc., report of compliance was required as follows:

It is further ordered, That the respondent, Perfect Equipment Corp., a corporation, shall, within sixty (60) days after service upon it of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with the order to cease and desist contained in the aforesaid initial decision.

Issued: January 12, 1961.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F.R. Doc. 61-4266; Filed, May 9, 1961; 8:47 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 25—DRESSINGS FOR FOODS

Mayonnaise, French Dressing, and Salad Dressing; Identity Standards

In the matter of amending the standards of identity for mayonnaise, french dressing, and salad dressing:

A notice of proposed rule making was published in the FEDERAL REGISTER of March 11, 1961 (26 F.R. 2126), setting forth a proposal by The Procter and Gamble Company, P.O. Box 201, Cincinnati 24, Ohio, to amend the definitions and standards of identity for mayonnaise, french dressing, and salad dressing to permit the use in such dressings of salad oil containing oxystearin as a crystallization inhibitor. The notice invited interested persons to submit views and comments on the proposal.

Upon consideration of the information furnished by the petitioner and other relevant information, it is concluded that it will promote honesty and fair dealing in the interest of consumers to amend the definitions and standards of identity for mayonnaise, french dressing, and salad dressing (21 CFR 25.1, 25.2, 25.3) as hereinafter set forth. Therefore, pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and delegated to the Commissioner of Food and Drugs by the Secretary (25 F.R. 8625): *It is ordered,* That Part 25 be amended as follows:

1. In § 25.1, the introduction to paragraph (a) is amended by inserting therein a new sentence to provide for the use in mayonnaise of oxystearin as a crystallization inhibitor. As amended, the introduction to paragraph (a) reads as follows:

§ 25.1 Mayonnaise, mayonnaise dressing; identity; label statement of optional ingredients.

(a) Mayonnaise, mayonnaise dressing, is the emulsified semisolid food prepared from edible vegetable oil and one or both of the acidifying ingredients specified in paragraph (b) of this section, and one or more of the egg-yolk-containing ingredients specified in paragraph (c) of this section. For the purposes of this section, the term "edible vegetable oil" includes salad oil that may contain not more than 0.125 percent by weight of oxystearin to inhibit crystallization as provided in the food additive regulation in § 121.1016 of this chapter. Mayonnaise may be seasoned or flavored with one or more of the following ingredients:

2. In § 25.2, the introduction to paragraph (a) is amended by inserting therein a new sentence to provide for the use in french dressing of oxystearin as a crystallization inhibitor. As amended, the introduction to paragraph (a) reads as follows:

§ 25.2 French dressing; identity; label statement of optional ingredients.

(a) French dressing is the separable liquid food or the emulsified viscous fluid food prepared from edible vegetable oil and one or both of the acidifying ingredients specified in paragraph (b) of this section. For the purposes of this section, the term "edible vegetable oil" includes salad oil that may contain not more than 0.125 percent by weight of oxystearin to inhibit crystallization as provided in the food additive regulation in § 121.1016 of this chapter. French dressing may be seasoned or flavored with one or more of the following ingredients:

3. In § 25.3, the introduction to paragraph (a) is amended by inserting therein a new sentence to provide for the use in salad dressing of oxystearin as a crystallization inhibitor. As amended, the introduction to paragraph (a) reads as follows:

§ 25.3 Salad dressing; identity; label statement of optional ingredients.

(a) Salad dressing is the emulsified semisolid food prepared from edible vegetable oil, one or both of the acidifying ingredients specified in paragraph (b) of this section, one or more of the egg-yolk-containing ingredients specified in paragraph (c) of this section, and a cooked or partly cooked starchy paste prepared with a food starch, tapioca flour, wheat flour, rye flour, or any two or more of these. In the preparation of such starchy paste water may be added. For the purposes of this section, the term "edible vegetable oil" includes salad oil that may contain not more than 0.125 percent by weight of oxystearin to inhibit crystallization as provided in the food additive regulation in § 121.1016 of this chapter. Salad dressing may be seasoned or flavored with one or more of the following ingredients:

Any person who will be adversely affected by the foregoing order may, at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing, and such objections must be supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall become effective 60 days from the date of its publication in the FEDERAL REGISTER, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be announced by publication in the FEDERAL REGISTER.

(Secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371)

Dated: May 2, 1961.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 61-4279; Filed, May 9, 1961; 8:48 a.m.]

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Tolerances for Residues of 1-Naphthyl *N*-Methylcarbamate

A petition was filed with the Food and Drug Administration by Union Carbide Corporation, 270 Park Avenue, New York, New York, requesting the establishment of tolerances for residues of 1-naphthyl *N*-methylcarbamate in or on apricots, blueberries, cranberries, lettuce, and nectarines at 10 parts per million.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which tolerances are being established.

After consideration of the data submitted in the petition and other relevant material which show that the tolerances established in this order will protect the public health, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and delegated to the Commissioner of Food and Drugs by the Secretary (25 F.R. 8625), the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR 120.169; 26 F.R. 1825) are amended by adding apricots, blueberries, cranberries, lettuce, and nectarines to the list of raw agricultural commodities for which tolerances have been established at 10 parts per million. As amended, the item beginning "10 parts per million" is changed to read as follows:

§ 120.169 Tolerances for residues of 1-naphthyl *N*-methylcarbamate.

* * * * *

10 parts per million in or on apples, apricots, bananas, beans, blueberries, cherries, cranberries, cucumbers, eggplants, grapes, lettuce, nectarines, peaches, pears, peppers, plums (fresh prunes), strawberries, summer squash, tomatoes.

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(1))

Dated: May 3, 1961.

[SEAL] JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 61-4280; Filed, May 9, 1961; 8:49 a.m.]

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Tolerance for Residues of Tributylphosphorotrithioite

A petition was filed with the Food and Drug Administration by Virginia-Carolina Chemical Corporation, Richmond, Virginia, requesting the establishment of a tolerance for residues of tributylphosphorotrithioite in or on cottonseed at 0.25 part per million.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which a tolerance is being established.

After consideration of the data submitted in the petition and other relevant material which show that the tolerance established in this order will protect the public health, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and delegated to the Commissioner of Food and Drugs by the Secretary (25 F.R. 8625), the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR Part 120) are amended as set forth below:

§ 120.3 [Amendment]

1. In § 120.3 *Tolerances for related pesticide chemicals*, paragraph (e)(5) is amended by adding "Tributylphosphorotrithioite" to the list of cholinesterase-inhibiting compounds.

2. Part 120 is amended by adding thereto the following new section:

§ 120.186 Tolerances for residues of tributylphosphorotrithioite.

A tolerance of 0.25 part per million is established for residues of tributylphosphorotrithioite in or on cottonseed.

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and